

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

MARQUETTE DAMON EANES,

Plaintiff,

v.

CIVIL ACTION NO. 3:16-0065

JAYLANA MAY,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Plaintiff's Application to Proceed without Prepayment of Fees and Costs (ECF No. 1) be denied, and the complaint (ECF No. 2) be dismissed, with prejudice, and removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Plaintiff's Application to Proceed without Prepayment of Fees and Costs (ECF No. 1) be **DENIED**, and the complaint (ECF No. 2) be **DISMISSED, with prejudice**, and **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: October 5, 2016



ROBERT C. CHAMBERS, CHIEF JUDGE